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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,106	11/21/2003	Michael Pescatello Lewis	AOL0156	1873
22862	7590	01/08/2008	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	
			MAIL DATE	DELIVERY MODE
			01/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

m/n

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/719,106	LEWIS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John B. Walsh	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-55 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-55 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/13/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a machine readable medium.

The claims fail to place the invention squarely within one statutory class of invention.

On page 16, lines 14-21 of the instant specification, applicant has provided evidence that applicant intends the “medium” to include signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-55 (claims 21-40 as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0236832 to McIntyre et al.

As concerns claims 1, 21 and 41, a method to facilitate exchange of content among entities during a real-time communications session over a network, said method comprising the steps of: dynamically generating a plurality of links (fig. 19, fig. 8D-110, 108, 106, 104) to content information for a sender user; and responsive to selection of a link of said plurality of links (fig. 176, 186), communicating said link and associated metadata information (fig. 9 and fig. 20B, 132) to at least one recipient user engaged in said real-time communication session with said sender user.

As concerns claims 2, 12, 22, 32 and 47, further comprising the steps of: presenting a user list (fig. 10) to said sender user to enable selection of said at least one recipient user, said user list containing said at least one recipient user (fig. 10); and receiving said selection of said at least one recipient user and a request to initiate said real-time communication session (fig. 17 and 20A).

As concerns claims 3, 13, 23, 33 and 48, wherein, prior to said selection of said at least one recipient user, said at least one recipient user is available (fig. 7, 92; fig. 15) to participate in said real-time communication session.

As concerns claims 4, 17, 24, 37, 42 and 49, wherein said generating further comprises the steps of: receiving a request for said content information (176, 186) from said sender user; retrieving user-generated content preferences and user-generated media presets associated with said sender user from a user database (138); and generating said plurality of links based on said user-generated content preferences (fig. 18), said user-generated media presets (fig. 5, 50), and other content recommendations (176, 218).

As concerns claims 5, 25 and 50, further comprising the steps of: presenting said plurality of links in a content window (fig. 9) to enable selection of said link by said sender user.

As concerns claims 6, 26 and 51 and 15, 35 and 44, wherein said communicating further comprises the steps of: inserting said link and said associated metadata in a real-time message displayed in a message window (fig. 9) for said sender user; and transmitting said real-time message to said at least one recipient user.

As concerns claim 7, 14, 27, 34 and 52, wherein said real-time communication session is an instant messaging communication session (fig. 13A, 177).

As concerns claims 8, 18, 28, 38 and 53, wherein said associated metadata information includes data pertaining to said content information to enable said at least one recipient user to review said data and to make a decision whether to accept or decline said content information (fig. 13B, 182).

As concerns claims 9, 29 and 54, further comprising the steps of: transmitting said content information to said sender user (176, 186); and responsive to a request to communicate said content information to said at least one recipient user, generating a content link to said transmitted content information and communicating said content link and associated metadata information to said at least one recipient user (fig. 9).

As concerns claims 10, 19, 30, 39 and 55, wherein said presenting further comprises the steps of: locating said at least one recipient user available to participate in said real-time communication session in said user database (fig. 10; fig. 13A); and retrieving said at least one recipient user to generate said user list (fig. 10).

As concerns claims 11, 31 and 43, a method to facilitate content sharing among entities during a real-time communications session over a network, said method comprising the steps of: facilitating selection of a link (176,186) to content information from a plurality of links displayed for a sender user in a content window (fig. 9); and facilitating real-time communication (177) of said link and associated metadata information to at least one recipient user engaged in said real-time communication session with said sender user.

As concerns claims 16, 36 and 45, further comprising the steps of: facilitating selection of a content sharing button (fig. 16; 216) in said user interface area; and responsive to said selection, dynamically generating said plurality of links based on user-generated content preferences, user-generated media presets, and other content recommendations.

As concerns claims 20 and 40, further comprising the steps of: facilitating access to said content information by said sender user (fig. 16); and responsive to said sender user accessing said content information, facilitating transmission of a request to communicate said content information to said at least one recipient user (fig. 13A, 13B).

As concerns claim 46, a system to facilitate content sharing among entities during a real-time communications session over a network, said system comprising: at least one processing server (306) to generate dynamically a plurality of links (176,186) to content information for a sender user; and at least one communications server (146,136) coupled to said at least one processing server to communicate said link and associated metadata information (fig. 9 and fig. 20B, 132; 138, 144) to at least one recipient user engaged in said real-time communication session (177) with said sender user, in response to selection of a link of said plurality of links.

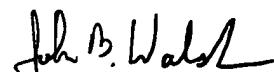
***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
John B. Walsh  
Primary Examiner  
Art Unit 2151